

REMARKS

Applicants appreciate the Examiner's thorough examination of the present application as evidenced by the Office Action of October 18, 2005 (hereinafter "Office Action"). In response, Applicants have amended independent Claims 6 and 15 to clarify that the capping layer and the second insulating are patterned together such that parts of the first insulating layer that were covered by the second insulating layer are exposed without exposing the mesa regions under the first insulating layer. Applicants respectfully submit that the cited reference fails to disclose at least the recitations of the independent claims as amended. Accordingly, Applicants submit that all pending claims are in condition for allowance. Favorable reconsideration of all pending claims is respectfully requested for at least the reasons discussed hereafter.

Independent Claims 6 and 15 are Patentable

Independent Claim 6 stands rejected under 35 U.S.C. §102(b) as being anticipated by U. S. Patent No. 6,815,762 to Yoshida et al. (hereinafter "Yoshida"). Independent Claim 6 has been amended to clarify that parts of the first insulating layer that were covered by the second insulating layer are exposed as a result of patterning the capping layer and the second insulating layer together without exposing the mesa regions under the first insulating layer. Independent Claim 6 now recites, in part:

...
forming a pattern comprising a pair of mesa regions on a substrate;
forming a first insulating layer on the pair of mesa regions;
forming a second insulating layer on the pair of mesa regions and the substrate;
forming a capping layer on the second insulating layer;
patterning the capping layer and the second insulating layer together such that parts of the first insulating layer that were covered by the second insulating layer are exposed without exposing the mesa regions under the first insulating layer;
... (Emphasis added.)

Independent Claim 15 includes recitations similar to those of Claim 6 reproduced above. This aspect of the present invention is illustrated, for example, in FIGS. 4A and 5A where

etching of the capping layer 42 and SOG layer 40 results in the insulating layer 22 being exposed, but the mesas (gate electrodes 20) are not exposed.

Referring to FIG. 15 of Yoshida, the Office Action alleges that wiring lines 24A and 24B correspond to the mesa regions recited in independent Claim 6. (Office Action, page 3). The Office Action further alleges that the sidewall spacers 26 correspond to the first insulating layer, the silicon oxide film 27 corresponds to the second insulating layer, and the silicon oxide film 35 corresponds to the capping layer recitations of independent Claim 6. (Office Action, page 3). As highlighted above, however, parts of the first insulating layer that were covered by the second insulating layer are exposed as a result of patterning the capping layer and the second insulating layer together without exposing the mesa regions under the first insulating layer according to the recitations of Claim 6, as amended. In sharp contrast, the wiring lines 24A and 24B are exposed when the silicon oxide film 35 and the silicon oxide film 27 are patterned as shown in FIG. 15 of Yoshida.

Accordingly, for at least the foregoing reasons, Applicants respectfully submit that independent Claims 6 and 15 are patentable over Yoshida and that Claims 7 – 14 and 16 - 24 are patentable at least per the patentability of independent Claims 6 and 15.

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Filed: December 7, 2001
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CONCLUSION

In light of the above amendments and remarks, Applicants respectfully submit that the above-entitled application is now in condition for allowance. Favorable reconsideration of this application, as amended, is respectfully requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (919) 854-1400.

Respectfully submitted,




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